

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARNELL BROWN,

Plaintiff,

Case No. 14-cv-14350
Hon. Matthew F. Leitman

v.

NICOLE CARTER, *et al.*

Defendants.

/

ORDER ADOPTING REPORT AND RECOMMENDATION (ECF #21)
AND DISMISSING CLAIMS AGAINST DEFENDANTS NICOLE CARTER
AND DUSHNA POPOVSKI WITHOUT PREJUDICE

On November 12, 2014, Plaintiff Darnell Brown (“Brown”) filed this Title VII action against Defendants Nicole Carter (“Carter”), Dushna Popovski (“Popovski”), and Pellumb Sulaj (“Sulaj”). (*See* Complaint, ECF #1.) Sulaj filed an Answer on January 21, 2015. (*See* ECF #12.) After summonses for Carter and Popovski were returned as unexecuted (*see* ECF ## 16, 17), Magistrate Judge Anthony Patti ordered Brown to show cause why his claims against Carter and Popovski should not be dismissed for failure to effect service. (*See* ECF #18.) Carter responded that he could not find addresses for either Carter or Popovski, and he requested that the case proceed against Sulaj only. (*See* ECF #19.)

On April 7, 2015, Magistrate Judge Patti issued a Report and Recommendation recommending that the Court dismiss Brown's claims against Carter and Popovski without prejudice "for failure to effect service pursuant to Rule 4(m) of the Federal Rules of Civil Procedure." (*See* the "R&R," ECF #21.) The R&R stated that the parties could object to and seek review of the recommendation within fourteen days. (*See id.* at 3-4, Pg. ID 64-65.)

No party has objected to the R&R. Failure to file objections to the R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the Magistrate Judge's R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Therefore, **IT IS HEREBY ORDERED** that the Magistrate Judge's April 7, 2015, Report and Recommendation (ECF #21) is **ADOPTED** as the Opinion of this Court. **IT IS FURTHER ORDERED**, for the reasons stated in the R&R, that Brown's claims against Defendants Nicole Carter and Dushna Popovski are **DISMISSED WITHOUT PREJUDICE** for failure to effect service.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: April 27, 2015

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 27, 2015, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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